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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,654	04/27/2001	Haruhiko Kinoshita	048369/0123	7693
22428	7590	08/11/2006	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				BORLINGHAUS, JASON M
		ART UNIT		PAPER NUMBER
		3693		

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/842,654	KINOSHITA, HARUHIKO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jason M. Borlinghaus	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 May 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 and 12-21 is/are pending in the application.
  - 4a) Of the above claim(s) 12, 14 and 17 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9, 13 and 15-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 May 2006 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1 – 9, 13, 15 - 16 and 18 – 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Disclosed Prior Art (applicant's specification, pp. 1 – 4) in view of Florzak (Florzak, Douglas. *Successful Independent Consulting. Logical Directions*. Brookfield, Illinois. 1999. pp. 167 – 170).

**Regarding Claim 1**, Disclosed Prior Art discloses a corporate rating system wherein:

- a corporate rating business entity in a business of performing corporate ratings, one or a plurality of enterprises (specific enterprise) having a relationship with said corporate rating business entity and desiring a corporate rating of itself. (see specification, p. 1, lines 15 – 17); and

- an information source are mutually electrically connected via a communication circuit (network). (see specification, p. 1, lines 17 – 22); and
- wherein business information indicating general business activities, including at least financial (financial report), accounting (accounting report) and tax information (tax report) for each target enterprise is stored at said information source for each said target enterprise is stored at said information source for each target enterprise. (see specification, p. 1, lines 21 – 27);
- said system comprising a function whereby said corporate rating business entity having an proprietary corporate rating software obtains required information with regard to said target enterprise desiring a corporate rating from said information source and performs a corporate rating for said target enterprise using said proprietary corporate rating software. (see specification, p. 1, line 27 – p. 2, line 2).

Disclosed Prior Art does not teach underlined limitations – a corporate rating system wherein:

- a corporate rating business entity in a business of performing corporate ratings, one or a plurality of enterprises having a prescribed contractual relationship with said corporate rating business entity and desiring a corporate rating of itself; and

- an application service provider (ASP) are mutually electrically connected via a communication circuit, and wherein business information indicating general business activities, including at least financial, accounting and tax information for each target enterprise is stored at said ASP separately for each said target enterprise;
- said system comprising a function whereby said corporate rating business entity having a proprietary corporate rating software, obtains required information with regard to said target enterprise in said contractual relationship desiring a corporate rating from said ASP and performs a corporate rating for said target enterprise using said proprietary corporate rating software.

Forming a contractual relationship between a business entity and an outside entity, such as a consultant, for performance of work on said business entity's behalf is old and well known in the art of business transactions and contract law, as evidenced by Florzak (pp. 167 – 170). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art by incorporating a contractual relationship, as disclosed by Florzak, between the business entity, desiring a corporate rating of itself, and the corporate rating business entity, which would perform said credit rating, as the use of a contract to delineate the relationships, obligations and intent among the parties in said business relationship is a standard and conventional procedure in conducting business transactions.

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Utilization of an application service provider for management and use of applications and/or processing of information on a network is old and well known in the arts of information technology. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Florzak by incorporating an application service provider to obtain the benefits inherent in the utilization of application service providers such as cost savings.

Utilization of proprietary software and/or information is old and well known in the art of information technology and business transactions, as evidenced by Florzak which states that the consultant may "want to retain rights to 'background technology' [he] commonly use[s] over and over again with all [of his] clients...In these cases, [he] must be careful not to give away the rights to use these rights to use these technologies with future clients." (pp. 169). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Florzak to utilize proprietary corporate rating software, allowing the corporate rating entity the ability to retain proprietary rights in its software for use with future and/or other clients, as disclosed by Florzak.

**Regarding Claim 2, Disclosed Prior Art discloses a corporate rating system wherein:**

- said operation of obtaining business information indicating general business activities of each enterprise (via computer network) and said operation of performing a corporate rating with respect to each said enterprise at said corporate rating business entity are performed by a

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computer (via proprietary corporate rating method software). (see specification, p. 1, line 15 – p. 2, line 2).

Disclosed Art does not teach underlined limitations – a corporate rating system  
wherein:

- said operation of transferring to and storing in said ASP business information indicating general business activities of each enterprise and said operation of performing a corporate rating with respect to each said enterprise at said corporate rating business entity are performed by a computer.

Utilization of an application service provider in conjunction with information storage at said provider is old and well known in the art of information technology. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Florzak by incorporating the transference and storage of information on an application service provider to allow processing of said information on said application service provider.

**Regarding Claim 3,** Disclosed Prior Art discloses a corporate rating system  
wherein:

- use of a communication circuit (computer network/telephone) to obtain an accounting report. (see specification, p. 1, lines 15 – 24); and
- production of accounting report by accounting firm (see specification, p. 2, line 23 – p. 3, line 2).

Disclosed Prior Art does not teach underlined limitations – a corporate rating system wherein:

- an accounting firm electrically connected to said communication circuit,  
and said accounting firm is a part of the prescribed contractual relationship  
among the plurality of enterprises, the corporate rating business entity,  
and the ASP.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Florzak by incorporating the ability to connect the accounting firm, whose reports are utilized by the process, as disclosed by Disclosed Prior Art, to the communication circuit already existing, as disclosed by Disclosed Prior Art, allowing for easier transmission of accounting firm generated information to other parties.

Formation and/or utilization of a contractual relationship between business parties, such as between a business entity and consultant, is old and well known in the art of business transactions and contract law, as evidenced by Florzak (pp. 167 – 170). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Florzak by incorporating a contractual relationship, as disclosed by Florzak, between all business entities, such as the corporate rating entity, the various enterprises being rated and the ASP provider, as the use of a contract to delineate the relationships, obligations and intent among the parties in said business relationship is a standard and conventional procedure in conducting business transactions.

**Regarding Claim 4, Disclosed Prior Art discloses a corporate rating system**

wherein:

- said accounting firm views or downloads business information (contained within ledger) indicating general business activities, that include at least one of financial, accounting, and tax information of each target enterprise. (see specification, p. 3, lines 14 – 27); and
- based on said business information (ledger), evaluates details of closing account of said enterprise (closing the books). (see specification, p. 3, lines 14 – 27); and
- issues a document certifying the accuracy and appropriateness of details of closing account of said enterprise (see specification, p. 3, line 28 – p. 4, line 2).

Disclosed Prior Art does not teach underlined limitations – a corporate rating system wherein:

- said accounting firm views or downloads business information indicating general business activities, that include at least one of financial, accounting, and tax information of each target enterprise;
- using terminal of said accounting firm from said ASP; and
- based on said business information, evaluates details of closing account of said enterprise;
- issues an electronic signature certifying the accuracy and appropriateness of details of closing account of said enterprise; and

- stores said electronic signature at the ASP.

Utilization of an electronic signature for electronically transmitted documents is old and well known in the art of information technology and business transactions. It would have been obvious to have modified Disclosed Prior Art and Florzak by incorporating an electronic signature to provide certification for the information transmitted through the system in the same manner as the accounting firm issues a document to provide certification for the information transmitted through a report, as disclosed by Disclosed Prior Art, to provide an electronic equivalent certification for an electronic equivalent document.

Utilization of an application service provider for management and use of applications and/or processing of information on a network, and storage of information for said processing, is old and well known in the arts of information technology. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Florzak by incorporating a terminal for inputting of information, as the application service provider would be accessed via a network and the use of a terminal for access would be inherent in said network configuration.

**Regarding Claim 5,** Disclosed Prior Art discloses a corporate rating system wherein:

- said corporate rating business entity refers to the signature (accounting firm signature on financial accounting report) and executes a corporate rating evaluation of a prescribed enterprise in accordance with the signature. (see specification, p. 4, lines 3 – 17).

Disclosed Prior Art does not teach underlined limitations – a corporate rating system wherein:

- said corporate rating business entity refers to the electronic signature stored at said ASP, and executes a corporate rating evaluation of a prescribed enterprise in accordance with the electronic signature.

Utilization of an electronic signature for electronically transmitted documents is old and well known in the art of information technology and business transactions. It would have been obvious to have modified Disclosed Prior Art and Florzak by incorporating an electronic signature to provide certification for the information transmitted through the system in the same manner as the accounting firm issues a document to provide certification for the information transmitted through a report, as disclosed by Disclosed Prior Art, to provide an electronic equivalent certification for an electronic equivalent document.

Utilization of an application service provider for management and use of applications and/or processing of information on a network, and storage of information for said processing, is old and well known in the arts of information technology. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Florzak by incorporating a terminal for inputting of information, as the application service provider would be accessed via a network, as disclosed by Disclosed Prior Art, and the use of a terminal for access would be inherent in said network configuration.

**Regarding Claims 6 – 9,** further method claims would have been obvious from method claims rejected above, Claims 1 – 5, and are therefore rejected using the same art and rationale.

Furthermore, maintaining updated and/or current financial information, and updating and/or archiving such information at predetermined time frames, is old and well known in the art of financial management and record-keeping. Such application of predetermined intervals would be in line with Disclosed Prior Art, which states that the corporate rating entity “obtain[s] disclosure documents that the specific enterprise issues at a specific time” (emphasis added – see p. 1, lines 21 – 23). Such statement by Disclosed Prior Art indicates that information is obtained and/or issued at predetermined time interverals.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Florzak by incorporating the maintenance of updated and/or current financial information concerning the target enterprise, updated and/or archived at regular intervals, to ensure an analysis and/or rating based upon current information, and not old and irrelevant information.

**Regarding Claim 13,** further method claims would have been obvious from method claims rejected above, Claims 6 - 8, and are therefore rejected using the same art and rationale.

Furthermore, maintaining updated and/or current financial information, and updating and/or archiving such information at predetermined time frames, is old and well known in the art of financial management and record-keeping. Such application of

predetermined intervals would be in line with Disclosed Prior Art, which states that the corporate rating entity “obtain[s] disclosure documents that the specific enterprise issues at a specific time” (emphasis added – see p. 1, lines 21 – 23). Such statement by Disclosed Prior Art indicates that information is obtained and/or issued at predetermined time intervals.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Florzak by incorporating the maintenance of updated and/or current financial information concerning the target enterprise, updated and/or archived at regular intervals, to ensure an analysis and/or rating based upon current information, and not old and irrelevant information.

**Regarding Claims 15 – 16**, further computer product claims would have been obvious from method claims rejected above, Claims 6 – 8, and are therefore rejected using the same art and rationale.

**Regarding Claim 18**, Disclosed Prior Art discloses a corporate rating system:

- wherein said business information (disclosure documents) of each target enterprise (specific enterprise) is provided to said corporate rating entity by each said target enterprise (specific enterprise) via said communication circuit (computer network). (see p. 1, lines 15 – 24).

Disclosed Prior Art does not disclose underlined claim limitations – a corporate rating system

- said business information of each target enterprise is automatically provided to said ASP by each said target enterprise via said communication circuit at predetermined time intervals.

Disclosed Prior Art does not teach that the transmission is automatic. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have automated the method, since it has been held that broadly providing a mechanical or automatic means to replace manual activity that accomplishes the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Utilization of an application service provider for management and use of applications and/or processing of information on a network is old and well known in the arts of information technology. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Florzak by incorporating an application service provider to obtain the benefits inherent in the utilization of application service providers such as cost savings.

Furthermore, maintaining updated and/or current financial information, and updating and/or archiving such information at predetermined time frames, is old and well known in the art of financial management and record-keeping. Such application of predetermined intervals would be in line with Disclosed Prior Art, which states that the corporate rating entity “obtain[s] disclosure documents that the specific enterprise issues at a specific time” (emphasis added – see p. 1, lines 21 – 23). Such statement by Disclosed Prior Art indicates that information is obtained and/or issued at predetermined time intervals.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Florzak by incorporating the maintenance of updated and/or current financial information concerning the target enterprise, updated and/or archived at regular intervals, to ensure an analysis and/or rating based upon current information, and not old and irrelevant information.

**Regarding Claims 19 – 21,** further method claims would have been obvious from method claim rejected above, Claim 18, and are therefore rejected using the same art and rationale.

### ***Response to Arguments***

Applicant's arguments filed 5/22/06 have been fully considered but they are not persuasive.

Before examiner addresses applicant's arguments, specifically, examiner wishes to assert two (2) overarching principles and/or concepts that touch on most, if not all, of the applicant's arguments.

**First, in response to applicant's piecemeal analysis of the references,** "one cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references." *In re Keller, Terry, and Davies*, 208 USPQ 871, 882 (CCPA 1981).

**Second, in response to applicant's argument that prior art reference(s) fail to disclose claim limitation(s),** examiner asserts that such claim limitation(s) are not claimed in the previously submitted claim(s). Although the argued elements are found in

the specification, they were not claimed explicitly in the disputed claim(s). Nor were the words that are used in the claims defined in the specification to require these limitations. A reading of the specification provides no evidence to indicate that these limitations must be imported into the claims to give meaning to disputed terms. Therefore, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993) and MPEP §2111.01. Furthermore, examiner is to utilize the “broadest reasonable interpretation consistent with the specification during the examination of a patent application since the applicant may then amend his claims.” See *In re Prater and Wei*, 162 USPQ 541, 550 (CCPA 1969).

**In response to applicant’s argument concerning the §103 rejection of Claims 1 – 9, 13 and 15 – 16,** specifically applicant’s argument that prior art reference(s) do not disclose a “the specific use of an ASP in a network of different enterprises, whereby confidential information has to be maintained between different enterprises, and whereby a third party accounting firm is also allowed access to specific enterprises in order to evaluate the information of those specific enterprises based on information store at the ASP, nor would it have been obvious to use an ASP in such a system”, examiner asserts that prior art reference(s) do disclose such claim limitation(s) and/or such claim limitation(s) would have been obvious to one of ordinary skill in the art. (see applicant’s arguments, p. 13).

Disclosed Prior Art discloses a system, albeit a traditionally manual and/or paper-driven system, with information source(s) connected to a network, such as a computer

network, of different enterprises, such as between a corporate rating entity and a target enterprise, and whereby a third party accounting firm is also allowed access to specific enterprises in order to evaluate the information of those specific enterprises based on information stored at the information source(s). (see p. 2, line 5 – p. 5, line 5; fig. 2 – 3).

As for applicant's argument that prior art reference(s) fail to disclose "whereby confidential information has to be maintained between different enterprises", examiner asserts that such limitation was not claimed in the previously submitted claim(s). Furthermore, examiner would argue that "general business activity information with regard to the target enterprise, such as financial, accounting, marketing, and manufacturing, into a ledger provided within the target enterprise" utilized by the system, as disclosed by Disclosed Prior Art, is traditionally maintained in confidence between approved users, such as a client and hired consultants, of such information.

Applicant admits that "the use of ASPs in networks is known," and makes no attempt to argue the Official Notice statement that "[u]tilization of an application service provider for management and use of applications and/or processing of information on a network is old and well known in the art of information technology." (see applicant's arguments, p. 13 and office action, p. 6). Therefore, since applicant has not attempted to traverse such Official Notice statement, examiner is taking the asserted common knowledge and/or well-known statement to be admitted prior art.

Therefore, examiner asserts that Disclosed Prior Art and Official Notice statement, in combination, satisfy the asserted claims, as submitted. Examiner asserts that use of ASPs, an old and well known technology, in a networked environment that

automates the processes of Disclosed Prior Art would have been obvious to one of ordinary skill in the art at the time the invention was made. Furthermore, one of ordinary skill in the art would have been motivated to utilize such a standard and/or conventional technology as ASPs generally present financial benefits to users of such technology such as through outsourcing of the implementation, configuration and maintenance of such technology. Or one of ordinary skill in the art would have been motivated to utilize an ASP, as an ASP would provide a remote and/or central site for access to and/or storage of financial information.

**In response to applicant's argument concerning the §103 rejection of Claims 1 – 9, 13 and 15 – 16,** specifically applicant's argument that Florzak is "directed to simple two-party contracts, and does not appear to contemplate more complex contracts involving many different types of entities", examiner asserts that Florzak does disclose such claim limitation(s) and/or such claim limitation(s) would have been obvious to one of ordinary skill in the art . (see applicant's arguments, p. 14).

Florzak was utilized to demonstrate that the general concept of forming a contractual relationship between business parties, such as a target enterprise (client) and a corporate rating business entity (independent contractor). While Florzak may describe "simple two-party contracts", such description does not teach away from the formation of more complex contractual relationship, such as between multiple parties, as the disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or non-preferred embodiments. *In re Susi*, 169 USPQ

423, 426 (CCPA 1971). Furthermore, multiple “simple two-party contracts” could just substitute for one “complex contract.”

Regardless, claim limitation(s), as originally submitted, do not claim “more complex contracts involving many different types of entities” but merely refers to “corporate rating business entity...with regard to said target enterprise in said contractual relationship” (see Claim 1).

Therefore, examiner asserts that Disclosed Prior Art, Official Notice statement and Florzak, in combination, satisfy the asserted claims, as submitted. Examiner asserts that one of ordinary skill in the art at the time invention was made would have utilized a contract and/or defined a contractual relationship between parties, as disclosed by Florzak, regardless of the number of parties involved, as such is a standard business practice in a transactional and/or business relationship, allowing parties to define the scope of authority of the parties and establish the purpose of the relationship.

**In response to applicant's argument concerning the §103 rejection of Claim 4,** specifically applicant's argument that prior art reference(s) do not teach nor disclose “the accounting firm obtains information from the ASP on a specific enterprise, whereby the accounting firm then evaluates details of the information of the specific enterprise that is stored at the ASP, and issues an electronic signature certifying the accuracy and appropriateness of the information of the specific enterprise, whereby that electronic signature is stored at the ASP”, examiner asserts that applicant is gauging in piecemeal analysis of the prior art reference(s).

As already discussed, the Disclosed Prior Art discloses a system, albeit a traditionally manual and/or paper-driven system, with information source(s) connected to a network, such as a computer network, of different enterprises, such as between a corporate rating entity and a target enterprise, and whereby a third party accounting firm is also allowed access to specific enterprises in order to evaluate the information of those specific enterprises based on information stored at the information source(s). (see p. 2, line 5 – p. 5, line 5; fig. 2 – 3).

Furthermore, the Disclosed Prior Art discloses a system in which the accounting firm evaluates details of the specific enterprise, generates a financial accounting report, and issues a document certifying the accuracy and appropriateness of the details and report. (see p. 3, line 22 – p. 4, line 7).

Examiner asserted in the previous Office Action that Official Notice was taken that the “[u]tilization of an electronic signature for electronically transmitted documents is old and well known”. Since applicant has not attempted to traverse such Official Notice statement(s), examiner is taking the asserted common knowledge and/or well-known statement to be admitted prior art.

Applicant admits that “the use of ASPs in networks is known,” and makes no attempt to argue the Official Notice statement that “[u]tilization of an application service provider for management and use of applications and/or processing of information on a network is old and well known in the art of information technology.” (see applicant’s arguments, p. 13 and office action, p. 6). Therefore, since applicant has not attempted

to traverse such Official Notice statement, examiner is taking the asserted common knowledge and/or well-known statement to be admitted prior art.

Therefore, examiner asserts that Disclosed Prior Art and Official Notice statement(s), in combination, satisfy the asserted claims, as submitted. Examiner asserts that use of ASPs, an old and well-known technology, in a networked environment that automates the processes of Disclosed Prior Art would have been obvious to one of ordinary skill in the art at the time the invention was made. Furthermore, one of ordinary skill in the art would have been motivated to utilize electronic signatures, an old and well-known technology, allowing the accounting firm to certify documents obtained, composed and/or transmitted within the networked environment.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Borlinghaus whose telephone number is (571) 272-6924. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ELLA COLBERT  
PRIMARY EXAMINER